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John Strisower

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EXAMINER

CHUMPITAZ, BOB R

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/682,504	<b>Applicant(s)</b> STRISOWER, JOHN	
	<b>Examiner</b> BOB CHUMPITAZ	<b>Art Unit</b> 4115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10/08/2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/08/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/19/2004, 08/01/2005</u> .                                  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

The following is a Non-Final First Office Action in response to the Patent Application filed October 8, 2003. Claims 1-45, as originally filed are presented for examination on the merits.

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on April 19, 2004 and August 1, 2005 are in compliance with 37 CFR 1.97 and 1.98. Accordingly, to information disclosure statement is being considered by the examiner.

### ***Specification***

#### ***Abstract***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Allen et al. 5,737,491 (hereafter referred as Allen).**

**As per claim 1,** Allen discloses the process of making images or other data from an image capturing device or other data capturing device or a combination thereof available to one or more authorized user, said capturing device having an electronically readable device serial number and cellular Internet communication capability, said capturing device (a) providing use information specifying said one or more authorized user of said images or other data, (b) capturing said images or other data, and (c) accessing the Internet with said cellular Internet communication capability for initiating the transmitting of said images or other data to a service provider associated with said device serial number, the process comprising:

said service provider associating said device serial number and said use information to provide said images or other data to said one or more authorized user (col. 1, line 66 – col. 2, line 7 the image transmitted via a wireless connection such as a cellular phone service; see also, col. 3, lines 5- 28 the transceiver is a wireless communication system such as a cellular telephone...the microprocessor is programmed to attach a unique identification code e.g a camera serial number to each digital image produced by the camera...the central processing unit is programmed to read identification code associated with the digital images that are received and to retrieve the owner information). It's inherent that the process of providing images to or

other data to one or more authorized users can be performed through the process of the central processing unit.

**As per claim 2**, Allen discloses wherein said capturing device deletes an image or other data responsive to its being transmitted using said capability (col. 4, lines 36-54 if the command is erase the digital image stored in the camera is erased ).

**As per claim 3**, Allen discloses the process of making images or other data from an image capturing device or other data capturing device or a combination thereof available to one or more authorized user, said capturing device having an electronically readable device serial number and cellular Internet communication capability, said capturing device (a) providing use information specifying said one or more authorized user of said images or other data, (b) capturing said images or other data and (c) accessing a cellular service provider (CSP) or a personal communications service provider (PCSP) with said cellular Internet communication capability for initiating the transmitting of said images or other data to a service provider associated with said device serial number, the process comprising:

said CSP or PCSP transmitting said prepared images or other data to an application service provider (ASP) associated with said device serial number to enable said ASP to associate said device serial number and said use information to provide to said set of authorized users said images or other data (col. 1, line 66 – col. 2, line 7 the image transmitted via a wireless connection such as a cellular phone service; see also, col. 3, lines 5- 28 the transceiver is a wireless communication system such as a cellular telephone...the microprocessor is programmed to attach a unique identification code e.g

a camera serial number to each digital image produced by the camera...the central processing unit is programmed to read identification code associated with the digital images that are received and to retrieve the owner information). It's inherent that the process of providing images to or other data to one or more authorized users can be performed through the process of the central processing unit).

**As per claim 4**, Allen discloses wherein said capturing device deletes an image or other data responsive to its being transmitted using said capability (col. 4, lines 36-54 if the command is erase the digital image stored in the camera is erased).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roustaei et al. US 2001/0034222 (hereafter referred as Roustaei) in view of Allen.**

**As per claim 5**, Roustaei discloses an image capturing device or other data capturing device, or combination thereof, having cellular Internet capability (¶ [0015-0016, 0037 the transceiver may be a cellular phone, a personal digital assistant device or an internet appliance for transmitting data over a wireless network...apparatus comprises a buffer to store data]) and

Roustaei does not disclose an apparatus to delete a captured image or other data after it is transmitted using said capability.

Allen teaches an operation via a microphone that digitizes the voice command wherein if the command is erase the digital image stored is erased (col. 4, lines 36-54 if the command is erase the digital image stored in the camera is erased).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data transmitting mechanism of Roustaei to include an erase command as taught by Allen in order to delete the captured images after it has been transmitted via a network in which will allow users to capture images for various applications and correctly transmit them over the network.

**Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen in view of Roustaei.**

**As per claim 6**, Allen discloses an image capturing device or other data capturing device, or combination of the foregoing, having an electronically readable serial number and cellular Internet access capability (col. 1, line 66 – col. 2, line 7 the image transmitted via a wireless connection such as a cellular phone service; see also, col. 3, lines 5- 28 the transceiver is a wireless communication system such as a cellular telephone...the microprocessor is programmed to attach a unique identification code e.g a camera serial number to each digital image produced by the camera...the central processing unit is programmed to read identification code associated with the digital images that are received and to retrieve the owner information). It is inherent that the process of providing images to or other data to one or more authorized users can be performed through the process of the central processing unit.

Allen does not disclose connectable through a cellular Internet accessible PDA for initiating the transmission of said images or other data to one or more authorized user by an Internet service provider, said PDA running software providing instructions for operating on said images or other data during their transmission to said one or more authorized user.

Roustaei teaches a personal digital assistant or an internet appliance for transmitting the images over a bandwidth network that (§ [0009, 0015-0016, 0037 the transceiver may be a cellular phone, a personal digital assistant device or an internet appliance for transmitting data over a wireless network...apparatus comprises a buffer to store data]; see also, § [0042 processor may use compression software such as JPEG for still images and MPEG for motion images to compress the image for transmission])).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the image capturing device of Allen to include personal digital assistant as taught by Roustaei in order to successfully transmit captured images with the wireless transmission device over a network.

**As per claim 7**, Allen further discloses wherein said instructions are provided by cellular Internet access or by satellite access (col. 1, line 66 - col. 2, line 12 instructions to make prints and transmit images via an integrated services digital network (ISDN) connection).

**As per claim 8**, Allen further discloses wherein said device captures images or other data for parcel delivery applications, for public safety applications, for public utility

applications, or a combination of any of the foregoing (col. 1, lines 14-30 the field of professional photography especially in the field of photo journalism and sports photography, speedy delivery of photographs of an event to the photo editor; see also, col. 1, line 66 – col. 2, line 7 amateur photographer can capture electronic image at a event or scenic spot; see also, col. 2, lines 63-67 digital camera see Fig. 1 item 10, and associated text).

**Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roustaei in view of Allen and in further view of Inoue et al. US 6,853,403 B1 (hereafter referred as Inoue).**

**As per claim 9**, Roustaei and Allen disclose claim 5 as rejected above but do not disclose further discloses wherein said image or other data, or combination thereof, is captured without the use of a human at the site and time of said capture.

Inoue teaches a self-timer mode that allows the camera to shoot an image without the use of a human at the site and time of said capture since the capturing device is set to automatically shoot an image (col. 1, lines 30-62 film cameras or digital cameras are frequently provided with a function to perform shooting by use of a self-timer; see also, col. 3, lines 3-11 the self-timer shooting mode is performed after a time from the instruction of shooting to shooting in the normal shooting mode has elapsed; see also, col. 7, lines 47-53 self timer shooting switch).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the image capturing device of Roustaei and Allen to include a self timer mode as taught by Inoue in order to allow a set a self timer mechanism in

which the shooting is performed automatically after the set time has elapsed which will also provide excellent camera usability.

**Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen in view of Roustaei and in further view of Minne et al. US 6,950,129 B1 (hereafter referred as Minne).**

**As per claim 10**, Allen and Roustaei disclose claim 6 as rejected above but do not disclose wherein said device is a disposable camera.

Minne teaches a disposable digital camera that includes an electronic digital camera system for generating digital images data representative of a captured image (col. 2, lines 34-60 digital camera is a one time use or disposable digital camera for storing an image in a digital format; see also, col. 6, lines 24-30 electronic digital camera system).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the image capturing device of Allen and Roustaei to include a disposable digital camera as taught by Minne in order for a relatively inexpensive disposable camera which includes the benefits of digital cameras such as storing a captured image in a digital format, including the ability to store both still and video images, with sound, in a digital format.

**Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen in view of Roustaei.**

**As per claim 11**, Allen disclose an image capturing device or other data capturing device, or combination of the foregoing, having an electronically readable

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serial number and cellular Internet access (col. 1, line 66 – col. 2, line 7 the image transmitted via a wireless connection such as a cellular phone service; see also, col. 3, lines 5- 28 the transceiver is a wireless communication system such as a cellular telephone...the microprocessor is programmed to attach a unique identification code e.g a camera serial number to each digital image produced by the camera...the central processing unit is programmed to read identification code associated with the digital images that are received and to retrieve the owner information). It's inherent that the process of providing images to or other data to one or more authorized users can be performed through the process of the central processing unit.

Allen does not disclose capability connectable through a cellular Internet accessible PDA for transmitting said images or other data to a CSP or a PCSP, said PDA running software providing said CSP or PCSP with instructions for operating on said images or other data.

Roustaei teaches a personal digital assistant or an internet appliance for transmitting the images over a bandwidth network that (¶ [0009, 0015-0016, 0037 the transceiver may be a cellular phone, a personal digital assistant device or an internet appliance for transmitting data over a wireless network...apparatus comprises a buffer to store data]; see also, ¶ [0042 processor may use compression software such as JPEG for still images and MPEG for motion images to compress the image for transmission]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the image capturing device of Allen to include personal digital

assistant as taught by Roustaei in order to successfully transmit captured images with the wireless transmission device over a network.

**As per claim 12**, Allen further discloses wherein said instructions are provided to said CSP or PCSP over cellular Internet access or by satellite access (col. 3, lines 34-48 transmission module connected to the image fulfillment server for transmitting the digital images over any one or more of a plurality of secondary communication channels....may be connection to the internet, satellite communication systems, ISDN, or conventional telephone lines).

**As per claim 13**, Allen further discloses wherein said device captures images or other data for parcel delivery applications, for public safety applications, for public utility applications, or a combination of the foregoing (col. 1, lines 14-30 the field of professional photography especially in the field of photo journalism and sports photography, speedy delivery of photographs of an event to the photo editor; see also, col. 1, line 66 – col. 2, line 7 amateur photographer can capture electronic image at a event or scenic spot; see also, col. 2, lines 63-67 digital camera see Fig. 1 item 10, and associated text).

**Claims 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen in view of Roustaei and in further view of Inoue.**

**As per claim 14**, Allen further discloses claim 12 but does not disclose wherein said image or other data, or combination there, is captured without the use of a human at the site and time of said capture.

Inoue teaches a self-timer mode that allows the camera to shoot an image without the use of a human at the site and time of said capture since the capturing device is set to automatically shoot an image (col. 1, lines 30-62 film cameras or digital cameras are frequently provided with a function to perform shooting by use of a self-timer; see also, col. 3, lines 3-11 the self-timer shooting mode is performed after a time from the instruction of shooting to shooting in the normal shooting mode has elapsed; see also, col. 7, lines 47-53 self timer shooting switch).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the image capturing device of Roustaei and Allen to include a self timer mode as taught by Inoue in order to allow a set a self timer mechanism in which the shooting is performed automatically after the set time has elapsed which will also provide excellent camera usability.

**Claim 15 is rejected under 35 U.S.C. 102(b) as being anticipated by Roustaei.**

**As per claim 15**, Roustaei discloses a PDA having cellular Internet access capability for receiving images or other data from a device also having cellular Internet access capability, said images or other data having been captured by said device, said PDA using its cellular Internet access capability for transmitting said images or other data over the Internet for delivery to one or more authorized user, said PDA running software providing instructions for operating on said images or other data during such delivery (¶ [0009, 0015-0016, 0037 the transceiver may be a cellular phone, a personal digital assistant device or an internet appliance for transmitting data over a wireless

network...apparatus comprises a buffer to store data]; see also, ¶ [0042 processor may use compression software such as JPEG for still images and MPEG for motion images to compress the image for transmission]).

**Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roustaei in view of Allen.**

**As per claim 16**, Roustaei discloses claim 15 as rejected above but does not disclose the PDA of claim 15 wherein said images or other data relate to parcel delivery applications, to public safety applications, to public utility applications, or to a combination of the foregoing.

Allen teaches where user captures images for different event types (col. 1, lines 14-30 the field of professional photography especially in the field of photo journalism and sports photography, speedy delivery of photographs of an event to the photo editor; see also, col. 1, line 66 – col. 2, line 7 amateur photographer can capture electronic image at a event or scenic spot; see also, col. 2, lines 63-67 digital camera see Fig. 1 item 10, and associated text).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the PDA of Roustaei to include event related data as taught by Allen in order to allow the user to capture particular event images or data depending on the scenic spot or type of place the user photographs.

**Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roustaei in view of Allen and in further view of Inoue.**

**As per claim 17**, Roustaei and Allen disclose claim 16 as rejected above but do not disclose wherein said image or other data, or combination thereof, is captured without the use of a human at the site and time of said capture.

Inoue teaches a self-timer mode that allows the camera to shoot an image without the use of a human at the site and time of said capture since the capturing device is set to automatically shoot an image (col. 1, lines 30-62 film cameras or digital cameras are frequently provided with a function to perform shooting by use of a self-timer; see also, col. 3, lines 3-11 the self-timer shooting mode is performed after a time from the instruction of shooting to shooting in the normal shooting mode has elapsed; see also, col. 7, lines 47-53 self timer shooting switch).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the image capturing device of Roustaei and Allen to include a self timer mode as taught by Inoue in order to allow a set a self timer mechanism in which the shooting is performed automatically after the set time has elapsed which will also provide excellent camera usability.

**Claims 18, 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Ausems et al. 6,434,403 (hereafter referred as Ausems).**

**As per claim 18**, Ausems discloses a PDA having cellular Internet access capability for receiving images or other data from a device also having cellular Internet access capability, said images or other data having been captured by said device, said PDA using its cellular Internet access capability for transmitting said images or other data to a CSP or a PCSP, said PDA running software providing said CSP or PCSP with

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instructions for operating on said images or other data (col. 1, lines 25-67 wireless phones are being combined with PDA's in order to perform...transmitting, receiving, and displaying text messages....a wireless telephone engine, smart-card engine and personal digital assistant engine are integrated in a single device; see also, col. 5, line 66 – col. 6, line 7 modem 220 is coupled to wireless phone engine 210 and enables PDA telephone 100 to send and receive fax messages, or have internet access).

**As per claim 19**, Ausems discloses wherein said instructions are provided to said CSP or PCSP over cellular Internet access or by satellite access (col. 5, lines 37-47 PDA telephone includes a global positioning system (GPS) receiver/engine having an associated antenna for receiving signals from GPS satellites; see also, col.7, lines 32-44 PDA telephone).

**Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ausems in view of Allen.**

**As per claim 20**, Ausems discloses claim 19 as rejected above but does not disclose wherein said images or other data relate to parcel delivery applications, to public safety applications, to public utility applications, or to a combination of the foregoing.

Allen teaches where user captures images for different event types (col. 1, lines 14-30 the field of professional photography especially in the field of photo journalism and sports photography, speedy delivery of photographs of an event to the photo editor; see also, col. 1, line 66 – col. 2, line 7 amateur photographer can capture electronic

image at a event or scenic spot; see also, col. 2, lines 63-67 digital camera see Fig. 1 item 10, and associated text).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the PDA of Ausems to include event related data as taught by Allen in order to allow the user to capture particular event images or data depending on the scenic spot or type of place the user photographs.

**Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ausems in view of Allen and in further view of Inoue.**

**As per claim 21**, Allen and Ausems disclose claim 20 but do not disclose the PDA of claim 20 wherein said image or other data, or combination thereof, is captured without the use of a human at the site and time of said capture.

Inoue teaches a form to capture an image without the use of a human at the site and time of capture (col. 1, lines 30-62 film cameras or digital cameras are frequently provided with a function to perform shooting by use of a self-timer; see also, col. 3, lines 3-11 the self-timer shooting mode is performed after a time from the instruction of shooting to shooting in the normal shooting mode has elapsed; see also, col. 7, lines 47-53 self timer shooting switch).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the image capturing device of Ausems and Allen to include a self timer mode as taught by Inoue in order to allow a set a self timer mechanism in which the shooting is performed automatically after the set time has elapsed which will also provide excellent camera usability.

**Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ausems in view of Minne.**

**As per claim 22**, Ausems discloses claim 18 as rejected above but does not disclose the PDA of claim 18 wherein said device is a disposable camera.

Minne teaches a disposable digital camera that includes an electronic digital camera system for generating digital images data representative of a captured image (col. 2, lines 34-60 digital camera is a one time use or disposable digital camera for storing an image in a digital format; see also, col. 6, lines 24-30 electronic digital camera system).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the image capturing device of Ausems to include a disposable digital camera as taught by Minne in order for a relatively inexpensive disposable camera which includes the benefits of digital cameras such as storing a captured image in a digital format, including the ability to store both still and video images, with sound, in a digital format.

**Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roustaei in view of WirelessWeek (7/22/02).**

**As per claim 23**, Roustaei discloses a business process comprising:  
a manufacturer of an image capturing device or other data capturing device, or combination thereof (¶ [0003-0004 Neopoint 1600, Nokia 9000, pdQ800 phones on the market and Handspring Visor Prism that have add-on modules that can turn a PDA into

a miniature digital camera]; see also, ¶ [0018 imager/transceiver apparatus may be combined into one unit),

said device having an electronically readable device serial number and cellular Internet communication capability for accessing the Internet to initiate delivery of said images or other data by a service provider to an authorized user (¶ [0006 apparatus contains attachment accessories]; see also, ¶ [0013-0016, 0020 allows user to capture images for various application and transmit them over network.....the imager and transceiver may be combined into an apparatus for transmitting the processed image data....transceiver may be a cellular phone, a digital assist device or an internet appliance for transmitting data over a wireless network..... applications such as bar code....identifying the type of code in the bar code and decoding the code in the bar code]; see also, ¶ [0039 user interface]).

Roustaei does not disclose entering into a business arrangement providing for said service provider receiving a predetermined amount of revenue for each said device sold as at least partial compensation for providing said images or other data to said authorized user.

Wireless-Week Magazine teaches wireless photo messaging is considered by many to be part of the coming age of multimedia messaging services...all of the major US carriers have plans for similar services....AT&T mMode pix (picture) pricing that charges customers \$2.99 per month plus two cents per kilobyte of data....photo messaging can be one of the most important weapons in 3G operator's armory of mass-market services (see WirelessWeek article published 7/22/02).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the imager/transceiver apparatus of Roustaei to include a picture pricing process as taught by WirelessWeek in order to correctly charge individuals for the proper services provided.

**Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roustaei in view of WirelessWeek (Copyright © 2002 EBSCO Publishing 7/22/02) and in further view of WirelessWeek (Copyright © 2002 EBSCO Publishing 7/15/02).**

**As per claim 24**, Roustaei and WirelessWeek (7/22/02) disclose the process of claim 23 as rejected above but do not disclose, said business arrangement further providing that said service provider will receive tail-end revenues, ongoing revenues, or a combination thereof, for customized or additional functionality sold to authorized users or other users by or for said service provider.

WirelessWeek teaches a method for tracking revenue that is well known in the art for service providers which provide camera phones that transmit digital images or data (see WirelessWeek article published 7/15/02).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the pricing process of WirelessWeek (7/22/02) to include revenue as taught by WirelessWeek (7/15/02) in order to correctly charge individuals for the proper services provided and generate higher average revenue per unit for carriers.

**Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen in view of WirelessWeek (Copyright © 2002 EBSCO Publishing 7/22/02).**

**As per claim 25**, Roustaei discloses a business process comprising:

a manufacturer of an image capturing device or other data capturing device, or combination thereof (§ [0003-0004 Neopoint 1600, Nokia 9000, pdQ800 phones on the market and Handspring Visor Prism that have add-on modules that can turn a PDA into a miniature digital camera]; see also, § [0018 imager/transceiver apparatus may be combined into one unit),

said device having an electronically readable device serial number and cellular Internet communication capability for accessing with said capability a CSP or PCSP for delivery of said images or other data to one or more authorized user (§ [0006 apparatus contains attachment accessories]; see also, § [0013-0016, 0020 allows user to capture images for various application and transmit them over network.....the imager and transceiver may be combined into an apparatus for transmitting the processed image data....transceiver may be a cellular phone, a digital assist device or an internet appliance for transmitting data over a wireless network..... applications such as bar code....identifying the type of code in the bar code and decoding the code in the bar code]; see also, § [0039 user interface]),

Roustaei does not disclose entering into a business arrangement providing for said CSP or PCSP receiving a predetermined amount of revenue for each said device sold as at least partial compensation for providing said images or other data to an ASP.

Wireless-Week Magazine teaches wireless photo messaging is considered by many to be part of the coming age of multimedia messaging services...all of the major

US carriers have plans for similar services....AT&T mMode pix (picture) pricing that charges customers \$2.99 per month plus two cents per kilobyte of data....photo messaging can be one of the most important weapons in 3G operator's armory of mass-market services (see WirelessWeek article published 7/22/02).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the imager/transceiver apparatus of Roustaei to include a picture pricing process as taught by WirelessWeek in order to correctly charge individuals for the proper services provided.

**Claims 26, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roustaei in view of WirelessWeek (Copyright © 2002 EBSCO Publishing 7/22/02) and in further view of WirelessWeek (Copyright © 2002 EBSCO Publishing 7/15/02).**

**As per claim 26**, Roustaei and WirelessWeek (7/22/02) disclose the business process of claim 25 as rejected above but does not disclose further including also providing for said ASP receiving a predetermined amount of revenue as at least partial consideration for providing said images or other data to said one or more authorized user ().

WirelessWeek teaches a method for tracking revenue that is well known in the art for service providers which provide camera phones that transmit digital images or data (see WirelessWeek article published 7/15/02).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the pricing process of WirelessWeek (7/22/02) to include

revenue as taught by WirelessWeek (7/15/02) in order to correctly charge individuals for the proper services provided and generate higher average revenue per unit for carriers.

**As per claim 27**, Roustaei and WirelessWeek (7/22/02) disclose the process of claim 25, as rejected above, but does not disclose said business arrangement further providing that said ASP will receive tail-end revenues, ongoing revenues, or a combination thereof, for customized or additional functionality sold to authorized users or other users by or for said ASP.

WirelessWeek (7/15/02) teaches a method for tracking revenue that is well known in the art for service providers which provide camera phones that transmit digital images or data (see WirelessWeek article published 7/15/02).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the pricing process of WirelessWeek (7/22/02) to include revenue as taught by WirelessWeek (7/15/02) in order to correctly charge individuals for the proper services provided and generate higher average revenue per unit for carriers.

**Claim 28 is rejected under 35 U.S.C. 102(b) as being anticipated by Shaginaw et al. US 2003/0120594 A1 (hereafter referred as Shaginaw).**

**As per claim 28**, Shaginaw discloses a billing arrangement process for a business accepting images or other data from a device having an electronically readable device serial number and cellular Internet communication capability for accessing the Internet with said capability to initiate delivery of said images or other data to an authorized user by a service provider, said business arrangement comprising:

the manufacturer or seller of said device agreeing that said service provider will provide billing services to the user of said device by prepaid, direct or credit card billing (¶ [0002, 0008-0011, 0061 exchanging billing between service provider and a bill processing entity...billing process includes a verification engine....currency amount owed to sending party for all events...may be credit or debit]).

**Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaginaw in view of O'Neal et al. US 6,639,975 B1 (hereafter referred as O'Neil).**

**As per claim 29**, Shaginaw discloses claim 28 as rejected above but does not disclose the billing arrangement of claim 28 further including billing information, account status, data access or a combination of the foregoing being displayed at a website authorized for use by the user of said device.

O'Neal teaches an account summary web page accessible to user upon identification or authentication input (col. 9, line 59 – col. 10, line 23 user accesses the account summary web page...billing systems require identification and authentication that is provided by user).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the billing process of Shaginaw to include an account summary webpage as taught by O'Neal in order to provide users a form to view, edit account information to inform the user current account balance or credit.

**Claim 30 is rejected under 35 U.S.C. 102(b) as being anticipated by Shaginaw.**

**As per claim 30**, Shaginaw discloses a billing arrangement process for a business accepting images or other data from a device having an electronically readable device serial number and cellular Internet communication capability for accessing with said capability a CSP or PCSP for delivery of said images or other data to an authorized user by an ASP, said business arrangement comprising:

the manufacturer or seller of said device agreeing with said CSP or PCSP that an ASP will provide billing services to the user of said device by prepaid, direct or credit card billing (¶ [0002, 0008-0011, 0061 exchanging billing between service provider and a bill processing entity...billing process includes a verification engine....currency amount owed to sending party for all events...may be credit or debit]).

**Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaginaw in view of O'Neal.**

**As per claim 31**, Shaginaw discloses claim 30 as rejected above but does not disclose further including billing information, account status, data access or a combination of the foregoing being displayed at a website authorized for use by the user of said device.

O'Neal teaches an account summary web page accessible to user upon identification or authentication input (col. 9, line 59 – col. 10, line 23 user accesses the account summary web page...billing systems require identification and authentication that is provided by user).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the billing process of Shaginaw to include an account

summary webpage as taught by O'Neal in order to provide users a form to view, edit account information to inform the user current account balance or credit.

**Claims 32-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Roustaei.**

**As per claim 32**, Roustaei discloses the process of aggregating into one information feed multiple data streams of images or data, or a combination thereof, received via cellular Internet transmission from a plurality of devices each having an electronically readable device serial number and cellular Internet communication capability for initiating delivery of said images or other data to a service provider (§ [0004, 0009, 0019, 0042 cellular phone or portable wireless communication device...data collection terminals...method of processing images for transmission]),

said one information feed being displayed for at least authorized user by said service provider (§ [0004, 0038, 0042 viewer allows user to view images...display window for viewing the captured image]).

**As per claim 33**, Roustaei discloses the process of a CSP or PCSP aggregating into one information feed multiple data streams of images or data, or a combination thereof received via cellular Internet transmission from a plurality of devices each having an electronically readable device serial number and cellular Internet communication capability for initiating delivery of said images or other data to an ASP (§ [0004, 0009, 0019, 0042 cellular phone or portable wireless communication device...data collection terminals...method of processing images for transmission]),

said one information feed being displayed for an authorized user by said ASP (§ [0004, 0038, 0042 viewer allows user to view images...display window for viewing the captured image]).

**As per claim 34**, Roustaei discloses the process of an ASP aggregating into one information feed multiple data streams of images or data, or a combination thereof received via cellular Internet transmission from a plurality of devices each having an electronically readable device serial number and cellular Internet communication capability for initiating delivery of said images or other data to an ASP (§ [0004, 0009, 0019, 0042 cellular phone or portable wireless communication device...data collection terminals...method of processing images for transmission]),

said one information feed being displayed for one or more authorized user by said ASP (§ [0004, 0038, 0042 viewer allows user to view images...display window for viewing the captured image]).

**Claim 35 is rejected under 35 U.S.C. 102(b) as being anticipated by Allen.**

**As per claim 35**, Allen discloses wherein said images or other data are displayed in a parcel delivery application wherein parcel delivery persons capture parcel delivery images or other data by said devices for display for one or more authorized user, a newspaper reporter application in which reporters use said devices for capturing images or other data and writing news stories for interactive use by an editorial staff, or public safety applications in which public safety officers use said devices to capture images or other data for display for public safety situations, or meter reading applications in which meter readers use said devices for capturing images or

data for displaying meter readings (col. 1, lines 14-30 the field of professional photography especially in the field of photo journalism and sports photography, speedy delivery of photographs of an event to the photo editor; see also, col. 1, line 66 – col. 2, line 7 amateur photographer can capture electronic image at a event or scenic spot).

**Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen in view of WirelessWeek (Copyright © 2002 EBSCO Publishing 7/22/02).**

**As per claim 36**, Allen discloses claim 1 as rejected above but does not disclose wherein said ASP bills the organization whose employees use said devices, said billing being on a per unit of time used basis, a per amount of data transferred basis, a per bandwidth used basis, a flat monthly device fee basis, or a combination of the foregoing.

Wireless-Week Magazine teaches mMode pix (picture) pricing that charges customers \$2.99 per month plus 2 cents per kilobyte of data (see WirelessWeek article).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the central processing unit for billing purposes of Allen to include a picture pricing process as taught by WirelessWeek in order to properly charge individuals for the proper services provided.

**Claims 37-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Roustaei.**

**As per claim 37**, Roustaei discloses the process of aggregating into one information feed multiple data streams of fragmentary data received via cellular Internet transmission from a plurality of devices each having an electronically readable device

serial number and cellular Internet communication capability for initiating delivery of said images or other data to a service provider, said one information feed being displayed using an XML or other agreed protocol data feed for displaying said images or other data to one or more authorized user by said service provider (¶ [0004, 0009, 0019, 0038, 0042 cellular phone or portable wireless communication device...data collection terminals...method of processing images for transmission.....viewer allows user to view images...display window for viewing the captured image]).

**As per claim 38**, Roustaei discloses the process of a CSP or PCSP aggregating into one information feed multiple data streams of fragmentary data received via cellular Internet transmission from a plurality of devices each having an electronically readable device serial number and cellular Internet communication capability for accessing with said capability a CSP or PCSP for delivery of said images or other data to an ASP, said one information feed being displayed using an XML or other agreed protocol data feed for displaying said images or other data to an authorized user by said ASP (¶ [0004, 0009, 0019, 0038, 0042 cellular phone or portable wireless communication device...data collection terminals...method of processing images for transmission.....viewer allows user to view images...display window for viewing the captured image]).

**As per claim 39**, Roustaei discloses the process of an ASP aggregating into one information feed multiple data streams of fragmentary data received via Internet transmission from a plurality of devices each having an electronically readable device serial number and cellular Internet communication capability for accessing with said

capability a CSP or PCSP for delivery of said images or other data to an ASP, said one information feed being displayed using an XML or other agreed protocol data feed for displaying said images or other data to one or more authorized user by said ASP (¶ [0004, 0009, 0019, 0038, 0042 cellular phone or portable wireless communication device...data collection terminals...method of processing images for transmission.....viewer allows user to view images...display window for viewing the captured image]).

**As per claim 40**, Roustaei discloses the process of making images or other data from an image capturing device or other data capturing device, or a combination thereof available to one or more authorized user, said capturing device capturing said images or other data, said capturing device having an electronically readable device serial number and cellular Internet communication capability, the process using use information specifying one or more authorized user of said images or other data, said process comprising:

accepting accessing from said capturing device via said cellular Internet capability and recognizing it as a call communicating said images or other data to be provided to a set of authorized users, preparing said images or other data for transmission to said set of authorized users, said process including using said device serial number for preparing said images or other data for transmission (¶ [0037, 0041, 0044 imager connected to transceiver device such as a cell phone or internet appliance for capturing images.....cell phones offer the option of internet connectivity...captured

images are transferred by the cell phone to the web site...server provides multi party call]); and

transmitting said prepared images or other data to a service provider associated with said device serial number for enabling said service provider to associate said device serial number and said use information to provide to said set of authorized users said images or other data (¶ [0037, 0041, 0044 imager connected to transceiver device such as a cell phone or internet appliance for capturing images.....cell phones offer the option of internet connectivity...captured images are transferred by the cell phone to the web site...server provides multi party call])). It is well known in the art for data transmission from capture image devices to consist of an identification number or serial number or internet protocol address.

**Claims 41, 43, 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roustaei in view of Allen.**

**As per claim 41,** Roustaei discloses claim 40 as rejected above but does not disclose wherein said capturing device deletes an image responsive to its communication over the Internet.

Allen teaches the function to erase the captured image (col. 3, lines 30-49 internet communication channel; see also, col. 4, lines 36-54 if the command is erase the digital image stored in the camera is erased).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the image capturing device of Roustaei to include a form of

erasing capture image as taught by Allen in order to provide the user with an erase or edit function and enables the user to manage picture or data storage.

**Claim 42 is rejected under 35 U.S.C. 102(b) as being anticipated by Roustaei.**

**As per claim 42**, Roustaei discloses the process of making images or other data from an image capturing device or other data capturing device, or a combination thereof available to one or more authorized user, said capturing device having an electronically readable device serial number and cellular Internet communication capability, the process using use information specifying said one or more authorized users of said images or other data, said process comprising:

an ASP receiving from a CSP or a PCSP said images or other data that are provided to said CSP or PCSP as a call from said capturing device using said capability, said ASP associating said serial number and said use information to provide said images or other data to said one or more authorized user (¶ [0041-0042 multi party call via website for video conference messages....cellular phone service found automatically]).

**Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roustaei in view of Allen.**

**As per claim 43**, Roustaei discloses claim 42 as rejected above but does not disclose wherein said capturing device deletes an image or other data responsive to its being provided to said CSP or PCSP.

Allen teaches the function to erase the captured image (col. 3, lines 30-49 internet communication channel; see also, col. 4, lines 36-54 if the command is erase the digital image stored in the camera is erased).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the image capturing device of Roustaei to include a form of erasing capture image as taught by Allen in order to provide the user with an erase or edit function and enables the user to manage picture or data storage.

**Claim 44 is rejected under 35 U.S.C. 102(b) as being anticipated by Roustaei.**

**As per claim 44**, Roustaei discloses the process of making images or other data from an image capturing device or other data capturing device, or a combination thereof available to one or more authorized user, said capturing device capturing said images or other data, said capturing device having an electronically readable device serial number and cellular Internet communication capability, the process using use information specifying one or more authorized user of said images or other data, said process comprising:

a CSP or a PCSP (a) accepting accessing from said capturing device and recognizing it as a call communicating said images or other data to be provided to said one or more authorized user and (b) preparing said images or other data for transmission to said one or more authorized user, said process including using said device serial number for preparing said images or data for transmission (§ [0037, 0041, 0044 imager connected to transceiver device such as a cell phone or internet appliance

for capturing images.....cell phones offer the option of internet connectivity...captured images are transferred by the cell phone to the web site...server provides multi party call]); and

said CSP or said PCSP transmitting said prepared images or other data to an ASP associated with said device serial number for enabling said ASP to associate said device serial number and said use information to provide to said one or more authorized user said images or other data (¶ [0037, 0041, 0044 imager connected to transceiver device such as a cell phone or internet appliance for capturing images.....cell phones offer the option of internet connectivity...captured images are transferred by the cell phone to the web site...server provides multi party call])).

**Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roustaei in view of Allen.**

**As per claim 45,** Roustaei discloses claim 42 as rejected above but does not disclose wherein said capturing device deletes an image responsive to its communication to said CSP or PCSP.

Allen teaches the function to erase the captured image (col. 3, lines 30-49 internet communication channel; see also, col. 4, lines 36-54 if the command is erase the digital image stored in the camera is erased).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the image capturing device of Roustaei to include a form of erasing capture image as taught by Allen in order to provide the user with an erase or edit function and enables the user to manage picture or data storage.

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Parulski et al. (6,122,526) Cellular telephone and electronic camera system with programmable transmission capability.
- Kubo et al. (US 6,795,715 B1) Portable communication device with camera interface for image transmission and reception.
- Horiguchi (US 6,837,630 B2) Camera and a portable apparatus having a flat body.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BOB CHUMPITAZ whose telephone number is (571)270-5494. The examiner can normally be reached on M-TR: 7:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BRADLEY BAYAT can be reached on (571) 272-6704. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

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